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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,823	02/23/2004	David E. Leeman		5456

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06/17/2008

EXAMINER

PARSLEY, DAVID J

ART UNIT

PAPER NUMBER

3643

MAIL DATE

DELIVERY MODE

06/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/782,823

**Applicant(s)**

LEEMAN, DAVID E.

**Examiner**

DAVID J. PARSLEY

**Art Unit**

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 12-42 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## Detailed Action

### *Amendment*

1. This office action is in response to applicant's response dated 4-3-08 and this action is final.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,852,838 to Field in view of U.S. Patent No. 4,842,230 to Cobb et al.

Referring to claim 1, Field discloses a grid connector locking mechanism comprising a device to be mounted – at 50,52, a wire grid – at 11,12, having generally openings therein – see figure 1, and extension – at 16-42, forming a locking mechanism projecting from the device to be mounted – see figure 1, wherein the extension has an enlarged, generally rectangular top surface – at 16, that is larger than a generally rectangular base – at 18 and/or 20,21, of the extension which is connected to the device to be mounted - see figure 1, a plurality of undercuts – see proximate 19,20,21, formed in the extension adjacent to the base of the extension - see figure 4,

the undercuts forming a gap – see figures 1-4, wherein the enlarged, generally rectangular top surface and the generally rectangular base of the extension are both smaller in dimensions than the generally rectangular openings in the wire grid – see figure 1, so that the top surface of the extension is adapted to be inserted into and extend entirely through at least one of the openings of the grid - see figure 1, wherein when the entire extension including the top surface of the extension is inserted through one of the generally rectangular openings in the wire grid until the undercuts which form the gap are in the plane of the wire grid and the extension and device to be mounted are rotated roughly 45 degrees - see figure 1 where the extension is capable of being inserted into the openings in the wire grid and rotated, one or more of the undercuts forming the gap receive the wire grid - see figure 1, and the wire grid is locked into the undercuts - see figures 1-4. Field does not disclose the undercuts form a gap between the top surface of the extension and the device to be mounted. Cobb et al. does disclose the undercuts - at 34,36, form a gap between the top surface of the extension - at 24,26,28, and the device to be mounted - at 40-48 - see figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Field and add the undercuts between the top of the extension and the device to be mounted of Cobb et al., so as to allow for the extension to be hidden behind the wire grid during use.

Referring to claim 2, Field as modified by Cobb et al. does not disclose the extension is square shaped. However, it would have been obvious to one of ordinary skill in the art to take the device of Field as modified by Cobb et al. and add the square shaped extension, so as to ensure the extension is of proper size and shape to fit into the openings of the wire grid.

Referring to claim 3, Field as modified by Cobb et al. further discloses the device to be mounted is mounted on a vertical grid - see figure 1 of Field.

Referring to claim 4, Field as modified by Cobb et al. further discloses the undercuts are located on opposite corners of the extension - see figures 1-4 of Field.

Referring to claim 5, Field as modified by Cobb et al. does not disclose the extension is integrally molded with the device to be mounted. However, it would have been obvious to one of ordinary skill in the art to take the device of Field as modified by Cobb et al. and add the extension integrally molded with the device to be mounted, so as to make the device stronger and more durable during use.

Referring to claim 6, Field as modified by Cobb et al. further discloses the extension is separately attached to the device to be mounted - see figures 1-4 of Field.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field as modified by Cobb et al. as applied to claim 1 above, and further in view of U.S. Patent No. 4,638,588 to Abadie.

Referring to claim 7, Field as modified by Cobb et al. does not disclose the locking mechanism is split in half forming two equilateral halves. Abadie does disclose the locking mechanism - see at 12, 18, is split in half, forming two equilateral halves - see figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Field as modified by Cobb et al. and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

Referring to claim 8, Field as modified by Cobb et al. and Abadie further discloses a protrusion - at 24 or 28, on one half of the locking mechanism and a corresponding receptacle -

at 18 on the opposite half of the locking mechanism – see for example figures 1-2 of Abadie. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Field as modified by Cobb et al. and Abadie and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

Referring to claim 9, Field as modified by Cobb et al. and Abadie further discloses the protrusion fits into the receptacle to create a locked complete locking mechanism – see for example – at 18, 24 and 28 as seen in figures 1-2 of Abadie. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Field as modified by Cobb et al. and Abadie and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

***Allowable Subject Matter***

3. Claims 10 and 12-42 are allowed.

***Response to Arguments***

4. Regarding claim 1, there is no mention in the claim of container halves and the device of Field US 4852838 discloses a grid connector as claimed as seen above in paragraph 2 of this office action. Further, the device of Cobb et al. is a grid connector having mating slots to attach to a grid and thus has similar function and structure to Field and thus is deemed to be combinable with Field. Further, Field discloses wherein when the entire extension including the top surface

of the extension is inserted through one of the generally rectangular openings in the wire grid until the undercuts which form the gap are in the plane of the wire grid and the extension and device to be mounted are rotated roughly 45 degrees - see figure 1 where the extension is capable of being inserted into the openings in the wire grid and rotated, one or more of the undercuts forming the gap receive the wire grid - see figure 1, and the wire grid is locked into the undercuts - see figures 1-4. The limitations of rotating 45 degrees are functional limitations in an apparatus claim and it is deemed that the device of Field can be placed through the rectangular grid openings and then rotated 45 degrees as seen with the dimensions of the grid connector and grid opening of figure 1. Therefore applicant's arguments are not persuasive.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PARSLEY whose telephone number is (571)272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J Parsley/  
Primary Examiner, Art Unit 3643